

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CANDACE BUTALA,

Plaintiff,

v.

ORDER

Civil File No. 05-2459 (MJD/RLE)

BENEDICTINE HEALTH SYSTEM,

Defendant,

James H. Kaster and Adam Gillette, Nichols Kaster & Anderson, PLLP, Counsel for Plaintiff.

Joseph J. Roby, Jr. and Jessica L. Durbin, Johnson, Killen & Seiler, P.A., Counsel for Defendant.

This matter is before the Court on Defendant Benedictine Health System's Motion for Summary Judgment [Docket No. 5]. The Court heard oral argument on February 8, 2006. Discovery in this case has not yet been completed and summary judgment is inappropriate at this time.

In accordance with the Court's oral order, **IT IS HEREBY ORDERED** that

1. Defendant Benedictine Health System's Motion for Summary Judgment [Docket No. 5] is **DENIED** in part and **GRANTED** in part as follows:

- a. Defendant's motion as to Plaintiff's prayer for mental anguish and emotional distress damages is **GRANTED**;
 - b. Defendant's motion for summary judgment on the remainder of Plaintiff's claims is **DENIED**.
2. The parties may bring summary judgment motions after July 1, 2006, which is the deadline for completion of discovery. The Court will not hear oral argument on those motions.

Dated: February 8, 2006

s/Michael J. Davis
Judge Michael J. Davis
United States District Court